



MIKE DEWINE
★ OHIO ATTORNEY GENERAL ★

Health and Human Services

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January 8, 2019

Justin Rice, Esq.
Via email

**RE: *In re: National Prescription Opiate Litigation*, Case No. 1:17-md-02804
Subpoena Duces Tecum to Ohio Department of Health**

Dear Mr. Rice:

Mr. Wakley has asked me to follow up on your previous request for a designated witness for deposition. As indicated previously, the Ohio Department of Health designates Jolene Defiore-Hyrmer, Chief of the Bureau of Injury Prevention.

Specifically, Ms. Defiore-Hyrmer can testify regarding the following items: 3a (as to acute pain guidelines), 8b, 8c, 9, 10, 11 (as it pertains to ODH), 12, 13b, 13c, 13e (as to number of opioid-related deaths in Ohio from 1990 to present), 13l, 13m, 13n, 14, 15, 18, and 19. She believes she may be able to familiarize herself with the following topics in order to testify on a more limited basis as well: 3b (as to chronic pain and ED guidelines), 4 (but limited information is available), 6 (but limited information is available), 7, 16 (but limited information is available on some subparts), 17 (but limited information is available as to grantee reported work).

Ms. Defiore-Hyrmer cannot testify about topics in paragraphs 1, 2, 3a, 5, 8a, 8d, 13a, 13d, 13e (as to patients who became addicted following legitimate opioid use), 13f, 13g, 13h, 13i, 13j, 13k, and 13n.

Also, as to any matter or item, pursuant to R.C. 3701.17, 3701.9310, and 3701.9311, employees of the Ohio Department of Health are not permitted to discuss any information related to the past, present, or future physical or mental health status or condition, receipt of treatment or care, or the purchase of health products if the information reveals the identity or could be used to reveal the identity of an individual, living or dead. Additionally, due to the breadth and ambiguity in many of the items set forth in your subpoena, it is important to note Ms. Defiore-Hyrmer will be unable to testify as to the internal operations and work product of other entities and agencies including, but not limited to, their analysis, records, investigation, and reports.

Sincerely,

/s/ Yvonne Tertel

Yvonne Tertel
Assistant Attorney General